



PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Pacifico et al. Examiner: Samuel A. Acquah  
Application No.: 09/996,636 Group Art Unit: 1711  
Filing Date: November 29, 2001 Docket: 1001-13 RES  
For: SENSITIVE SUBSTANCE Dated: November 17, 2003  
ENCAPSULATION

Box Reissue  
Commissioner for Patents  
Washington D.C. 20231

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on 11/17/03 Signature [Signature]

SECOND PETITION UNDER 37 C.F.R. 1.47(a)

Sir:

Applicants' representative hereby petitions the Commissioner under 37 C.F.R. §1.47(a) for the acceptance of a declaration/power of attorney for the above-identified reissue application executed by one of the three inventors, Carl J. Pacifico, on behalf of his joint inventors, Wen-Hsin Wu and Marta Fraley, who have not signed the required declaration.

The non-signing inventors have refused to sign the declaration. The pertinent facts are recounted in the accompanying "Declaration" signed by Susan A. Sipos, Registration No. 43,128, of Hoffmann & Baron, LLP, Attorneys for the Applicants. A summary of the pertinent facts follow.

On December 11, 2001, a letter was sent via certified mail to Wen-Hsin Wu at her last known address, 17 Anna Court, Middletown, New York 10941. Additionally, on December 11, 2001, a letter was sent via certified mail to Marta Fraley at her last known address, 804 Cooley Road, Parksville, New York 12768.

Enclosed with each December 11 2001 letter, was a copy of the above-identified reissue application, for which Wen-Hsin Wu and Marta Fraley were named as co-inventors, including

the specification and claims; and an Amendment to the application. A combined declaration and power of attorney was also enclosed pertaining to the reissue application. Wen-Hsin Wu and Marta Fraley were each requested to sign, and then return the combined declaration and power of attorney to Applicants' representative for filing with the United States Patent and Trademark Office. The letters sent to Wen-Hsin Wu and Marta Fraley were returned and marked "Unclaimed".

On March 28, 2002, a Petition under 37 CFR 1.47(a) was filed with the Patent and Trademark Office relating the above facts. The Petition was granted on May 13, 2003, thereby accepting the declaration/power of attorney which was executed by only one of the three inventors. The document granting the Petition is attached as Exhibit A.

On August 8, 2003 an Office Action was issued by the Patent and Trademark Office. The Office Action stated that the original reissue declaration/power of attorney was defective because the declaration did not "identify a single word or phrase or expression." The Applicants drafted a new declaration/power of attorney and received preliminary approval of same by the examiner assigned to this case, Examiner Samuel Acquah.

On September 29, 2003, a letter was sent via certified mail to Wen-Hsin Wu at her last known address, 17 Anna Court, Middletown, New York 10941. Additionally, on September 29, 2003, a letter was sent via certified mail to Marta Fraley at her last known address, 804 Cooley Road, Parksville, New York 12768. A copy of the letter sent to Wen-Hsin Wu, along with a copy of its envelope marked "Unclaimed," is attached as Exhibit B. A copy of the letter sent to Marta Fraley, along with a copy of its envelope marked "Unclaimed," is attached as Exhibit C.

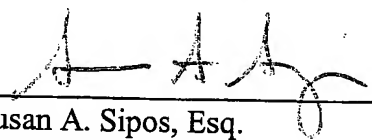
Enclosed with each September 29, 2003 letter, was a copy of the above-identified reissue application, for which Wen-Hsin Wu and Marta Fraley were named as co-inventors, including the specification and claims; and an Amendment to the application. The new combined declaration and power of attorney was also enclosed pertaining to the reissue application. Wen-Hsin Wu and Marta Fraley were each requested to sign, and then return the

new combined declaration and power of attorney to Applicants' representative for filing with the United States Patent and Trademark Office.

Applicants have made a *bona fide* attempt to present the application papers to Wen-Hsin Wu and Marta Fraley for their signature. Wen-Hsin Wu and Marta Fraley have refused the certified letters, and thus *ipso facto* refused the request that they sign the declaration. Therefore, they have refused to join in the application.

In view of the foregoing, Applicants respectfully request this second petition under 37 CFR 1.47(a) be granted.

Respectfully submitted,

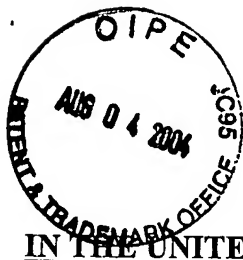
A handwritten signature in dark ink, appearing to read 'S. A. Sipos', is written over a horizontal line.

Susan A. Sipos, Esq.  
Attorney for Applicants  
Registration No. 43,128

Hoffmann & Baron, LLP  
6900 Jericho Turnpike  
Syosset, NY 11791  
(516) 822-3550

SAS/dlb

180994\_1



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Pacifico et al.	Examiner:	Samuel A. Acquah
Application No.:	09/996,636	Group Art Unit:	1711
Filing Date:	November 29, 2001	Docket:	1001-13 RES
For:	SENSITIVE SUBSTANCE ENCAPSULATION	Dated:	November 17, 2003

Commissioner for Patents  
Washington D.C. 20231

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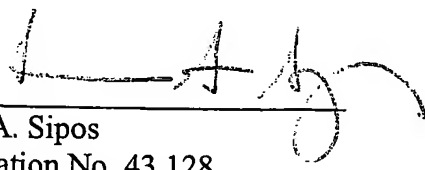
DECLARATION

I, the undersigned, Susan A. Sipos, declare as follows:

1. This Declaration is given as proof of certain pertinent facts asserted in a second Petition under 37 C.F.R. 1.47(a) in connection with the above referenced patent application in which two of the named inventors, Wen-Hsin Wu and Marta Fraley, have refused to sign the Declaration.
2. I am a registered Patent Attorney, Registration No. 43,128, with Hoffmann & Baron, LLP, 6900 Jericho Turnpike, Syosset, New York 11791, attorneys for the Applicants, and the facts contained herein are known to me personally.
3. On December 11, 2001, I sent two letters via certified mail to the non-signing inventors. In particular, a letter was sent to Wen-Hsin Wu at her last known address, 17 Anna Court, Middletown, New York 10941. Additionally, a letter was sent to Marta Fraley at her last known address, 804 Cooley Road, Parksville, New York 12768.
4. Except for the addressees, these December 11, 2001 letters were identical. Along with each letter were included: a copy of the above referenced reissue application (specification and claims); a combined declaration and power of attorney and the Amendment to the reissue application.
5. In the December 11, 2001 letters, Wen-Hsin Wu and Marta Fraley were requested to each sign a combined declaration and power of attorney and return the signed documents to Applicants' representative for filing in the U.S. Patent and Trademark Office.

6. Both letters were returned to us. They were marked "UNCLAIMED" by the U.S. Postal Service.
7. On March 28, 2002, I filed a Petition under 37 CFR 1.47(a) with the Patent and Trademark Office relating the above facts. The Petition was granted on May 13, 2003, thereby accepting the declaration/power of attorney which was executed by only one of the three inventors.
8. On August 8, 2003, an Office Action was issued by the Patent and Trademark Office. The Office Action stated that the original reissue declaration/power of attorney was defective because the declaration did not "identify a single word or phrase or expression." I drafted a new declaration/power of attorney. I spoke with the Examiner assigned to this application, Examiner Samuel Acquah, who gave preliminary approval of same.
9. On September 29, 2003, I sent two letters via certified mail to the non-signing inventors. In particular, a letter was sent to Wen-Hsin Wu at her last known address, 17 Anna Court, Middletown, New York 10941. Additionally, a letter was sent to Marta Fraley at her last known address, 804 Cooley Road, Parksville, New York 12768.
10. Except for the addressees, these September 29, 2003 letters were identical. Along with each letter were included: a copy of the above referenced reissue application (specification and claims); the new declaration/power of attorney; and the Amendment to the reissue application.
11. In the September 29, 2003 letters, Wen-Hsin Wu and Marta Fraley were requested to each sign the new declaration/power of attorney and return the signed document to Applicants' representative for filing in the U.S. Patent and Trademark Office.
12. Both letters were returned to us. They were marked "UNCLAIMED" by the U.S. Postal Service.
13. I hereby declare that all statements made herein of my knowledge are true and all statements made on information and belief are believed to be true. Further, that these statements were made with the knowledge that willfully false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willfully false statements may jeopardize the validity of the application of any patent issued thereon.

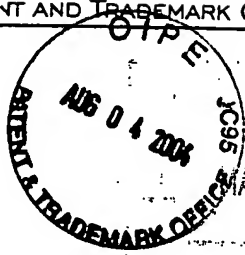
Date: 11-17-03

Signature: 

Susan A. Sipos  
Registration No. 43,128



UNITED STATES PATENT AND TRADEMARK OFFICE



MAY 13 2003

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
WWW.USPTO.GOV

Paper No. 8

Susan A. Sipos  
HOFFMAN & BARON, LLP  
6900 Jericho Turnpike  
Syosset, NY 11791

COPY MAILED

MAY 13 2003

OFFICE OF PETITIONS

In re Application of  
Carl J. PACIFICO et al.  
Application No. 09/996,636  
Filed: November 29, 2001  
Attorney Docket No. 1001-13 RES

DECISION  
ON PETITION  
37 CFR 1.47(a)

This is a decision on the petition filed April 8, 2002, under 37 CFR 1.47(a).

The petition is GRANTED.

Petitioner has shown that the non-signing inventors have refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the instant petition. Notice of the filing of this application will also be published in the Official Gazette.

The instant application is being returned to Technology Center 1700 for examination on the merits.

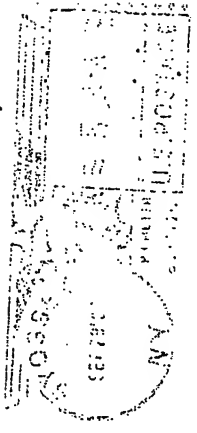
Telephone inquiries regarding this communication may be directed to B. Dayoan at (703) 305-9282 or, in her absence, to Senior Petitions Examiner Brian Hearn at (703) 305-1820.

Brian Hearn  
Senior Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

CERTIFIED MAIL



7002 3150 0006 2726 0605



<b>HOFFMANN &amp; BARON, LLP</b> ATTORNEYS AT LAW 6900 JERICHO TURNPIKE SYOSSET, NEW YORK 11791	
TO:	Wen-Hsing Wu 17 Alpha Court Middletown, NY 13941
CERTIFIED MAIL-RR	

UNCLAIMED

10/1/01  
RETURNED TO SENDER

UNCLAIMED

RETURNED TO SENDER



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\* NOT ADMITTED IN N.Y.

† SENIOR ATTORNEY

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SALVATORE J. ABBRUZZESE\*

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JUSTIN K. HOLMES  
CHRISTINA L. WARRICK\*

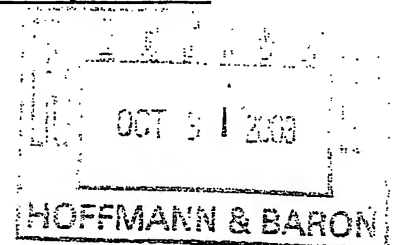
PATENT AGENTS

GLORIA K. SZAKIEL, Ph.D. EDNA I. GERGEL, Ph.D.  
ROHINI K. GARG EDMUND GUTIERREZ, Ph.D.

September 29, 2003

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Wen-Hsin Wu  
17 Anna Court  
Middletown, NY 10941



Re: Reissue Application for U.S. Patent No.: 6,251,478 B1 for:  
SENSITIVE SUBSTANCE ENCAPSULATION  
Our Docket No.: 1001-13 RES

Dear Wen-Hsin Wu:

At the request of Dr. Patricia Siuta-Cruce, our firm is prosecuting the above-identified reissue application. The reissue application has been filed to correct an error which appeared in the issued patent.

A Combined Declaration and Power of Attorney, signed by each of the inventors, is required to complete the filing of a reissue application. Accordingly, enclosed please find the following documents:

1. A copy of the above-identified reissue application including:
  - a. the specification;
  - b. the claims;
  - c. the Amendment to the reissue application; and
  - d. the Supplemental Amendment to the reissue application filed on May 24, 2002.
2. A Combined Declaration and Power of Attorney.

Kindly review the enclosed documents and sign the Combined Declaration and Power of Attorney. Please return the signed documents to the undersigned for filing with the U.S. Patent and Trademark Office.

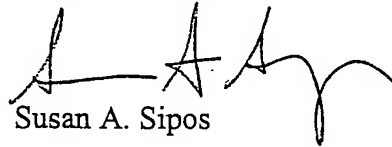


Wen-Hsin Wu  
September 29, 2003  
Page 2 of 2

Please note that we had originally sent you an Oath to sign on December 11, 2001. However, that Oath was deemed inadequate by the U.S. Patent Office because it did not identify a single word, phrase or expression as an error in the original patent. The enclosed revised Oath has been deemed acceptable by the patent office.

If you have any questions concerning the above matter, please do not hesitate to contact us.

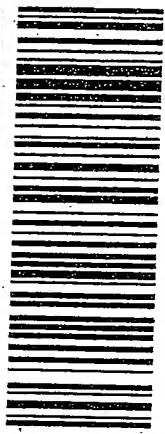
Very truly yours,

  
Susan A. Sipos

SAS/sbs  
Enclosures

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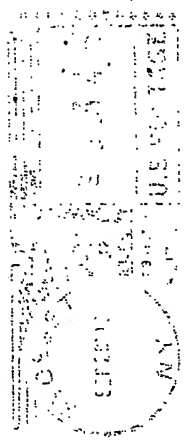
UNDELIVERED MAIL



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TO SPS

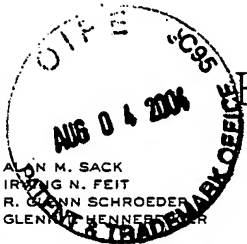


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- ☐ Unable To Forward
- ☐ Insufficient Address
- ☐ Moved, Left No Address
- ☒ Unclaimed ☐ Refused
- ☐ Attempted - Not Known
- ☐ No Such Street ☐ Number
- ☐ Vacant ☐ Illegible
- ☐ No Mail Receipt
- ☐ Box Closed - No Order
- ☐ Returned for Better Address
- ☐ Postage Due \_\_\_\_\_

<p>HOFFMANN &amp; BARON, LLP ATTORNEYS AT LAW 6900 JERICHO TURNPIKE SYOSSET, NEW YORK 11791</p>	<p>TO:</p> <p>Marta Fraley 804 Cooley Road <i>Marta Fraley</i></p> <p>CERTIFIED MAIL - RRR</p>
---	--



1ST NOTICE 10/11  
2ND NOTICE 10/16  
RETURN 10/16



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SCIENTIFIC ADVISOR

DANIEL A. SCOLA, SR., Ph.D.

\* NOT ADMITTED IN N.Y.  
† SENIOR ATTORNEY

September 29, 2003

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Marta Fraley  
804 Cooley Road  
Parkville, NY 12768

Re: Reissue Application for U.S. Patent No.: 6,251,478 B1 for:  
SENSITIVE SUBSTANCE ENCAPSULATION  
Our Docket No.: 1001-13 RES

Dear Marta Fraley:

At the request of Dr. Patricia Siuta-Cruce, our firm is prosecuting the above-identified reissue application. The reissue application has been filed to correct an error which appeared in the issued patent.

A Combined Declaration and Power of Attorney, signed by each of the inventors, is required to complete the filing of a reissue application. Accordingly, enclosed please find the following documents:

1. A copy of the above-identified reissue application including:
  - a. the specification;
  - b. the claims;
  - c. the Amendment to the reissue application; and
  - d. the Supplemental Amendment to the reissue application filed on May 24, 2002.
2. A Combined Declaration and Power of Attorney.

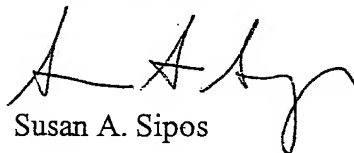
Kindly review the enclosed documents and sign the Combined Declaration and Power of Attorney. Please return the signed documents to the undersigned for filing with the U.S. Patent and Trademark Office.

Marta Fraley  
September 29, 2003  
Page 2 of 2

Please note that we had originally sent you an Oath to sign on December 11, 2001. However, that Oath was deemed inadequate by the U.S. Patent Office because it did not identify a single word, phrase or expression as an error in the original patent. The enclosed revised Oath has been deemed acceptable by the Patent Office.

If you have any questions concerning the above matter, please do not hesitate to contact us.

Very truly yours,



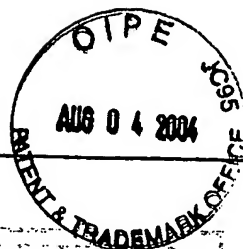
Susan A. Sipos

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Enclosures

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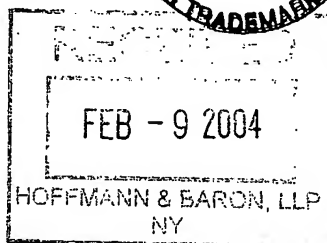


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**OFFICE OF PETITIONS**

In re Application of  
Carl J. Pacifico et al.  
Application No. 09/996,636  
Filed: November 29, 2001  
Attorney Docket No. 1001-13 RES

DECISION ACCORDING STATUS  
UNDER 37 CFR 1.47(a)

This is in response to the petition filed under 37 CFR 1.47(a) November 24, 2003.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventors, Wen-Hsin Wu and Marta Fraley, have refused to join in the filing of the above-identified reissue application after having been sent a copy of the application papers. Specifically, the statement of Susan A. Sispos, Attorney of Record, establishes that the non-signing inventors were each sent a copy of the present reissue application, by certified mail, but the United States Postal Service (USPS) returned the items marked "UNCLAIMED". Thus, by their actions, the non-signing inventors have refused to execute the declarations naming them as joint inventors with Carl J. Pacifico.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The application is being forwarded to Technology Center 1711 for examination on the merits.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions